

DOCKET NO.: 219898US6XPCT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Philippe PONCEAU et al.

SERIAL NUMBER: 10/070,816

FILED: March 11, 2002

FOR: ASSISTING DEVICE FOR UNFOLDING A MOTOR VEHICLE INFLATABLE
AIRBAG

RESPONSE TO DECISION ON PETITION UNDER 37 CFR 1.181

COMMISSIONER FOR PATENTS
Alexandria, VA 22313

SIR:

Responsive to the decision dated July 15, 2003 and in accordance with the provisions of 35 U.S.C. 371, Applicants submit herewith a Supplemental Declaration, along with a Petition for Extension of Time.


In light of the foregoing, this application is deemed to be in proper condition for examination and such favorable action is earnestly solicited.

Our check in the amount of \$420.00 is attached hereto. If any variance exists between the amount enclosed and the required Government fee, please charge or credit the difference to our Deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136 and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time may be charged to Deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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Initials/Date Docketed: Ob 7/17/02
Type of Resp(s): Suppl Resp due
Due Date(s): 8/15/02 (MWh-60)

In re Application of :
Ponceau et al. :
US Application No.: 10/070,816 :
PCT Application No.: PCT/FR00/02483 :
International Filing Date: 08 September 2000 :
Priority Date: 10 September 1999 :
Attorney's Docket No.: 219898US6XPCT :
For: ASSISTING DEVICE FOR UNFOLDING :
A MOTOR VEHICLE INFLATABLE :
AIRBAG :

DECISION ON PETITION
UNDER 37 CFR 1.181

This decision is in response to the "Petition under 37 CFR 1.181 to Withdraw Holding of Abandonment" filed on 26 November 2002.

BACKGROUND

On 10 May 2002, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905), advising Applicants that the extra claims fees and an oath/declaration in compliance with 37 CFR 1.497(a) and (b) were required. An extendable 2-month reply period was provided. No response was filed on or before 10 December 2002, and no extension of time in accordance with 37 CFR 1.136(a) was obtained. The application was held abandoned as of 11 July 2002. A Notice of Abandonment (Form PCT/DO/EO/909) was mailed on 15 November 2002.

The instant petition asserts that the missing items were filed on 12 November 2002 along with a 4-month extension of time and the requisite extension-of-time fee.

ANALYSIS

The USPTO records indicate receipt on 12 November 2002 of, *inter alia*, a \$1,440 check for the 4-month extension of time; and a declaration and power of attorney executed by both inventors. Apparently, these items were not matched with the file until recently.

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CONCLUSION

In view of the above, the petition to withdraw the holding of abandonment in this application is **GRANTED**.

The Form PCT/DO/EO/909 mailed on 15 November 2002 is hereby **VACATED**.

However, the declaration submitted on 12 November 2002 appears to have been altered after execution. The signature of the second inventor, in black ink, is in the wrong location and is adjacent to an arrow, in blue ink, pointing to the correct location for that signature. This alteration is not initialed and dated by the second inventor, rendering the declaration defective and unacceptable. 37 CFR 1.52(c)(1); MPEP 605.04(a) (Rev. 1, Feb. 2003).

To avoid abandonment of this application, a supplemental declaration in compliance with 37 CFR 1.497(a) and (b) must be filed within **ONE MONTH** of the mailing date of this decision.

Finally, the \$130 petition fee submitted with the instant petition has been credited to Deposit Account No. 15-0030 as authorized.

Any further correspondence with respect to this matter, deposited with the United States Postal Service, should be addressed to:

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